

### **REMARKS**

In response to the final Office Action dated November 12, 2002, claims 7 and 19 have been amended. Therefore, claims 2-23 remain in the case. Reexamination and reconsideration of the amended application are requested.

#### **Rebuttal to "Response to Arguments"**

The Applicants continue to maintain that the reference of Maggioncalda et al. is not prior art in relation to Applicants' claimed invention. In general, as set forth in 37 CFR § 1.131, if a reference does not claim the same patentable invention as the applicant, and the applicant reduced the invention to practice in the United States prior to the effective date of the reference, then the reference is not prior art in relation to the applicant's invention. The Applicants respectfully maintain that these circumstances exist in the subject case.

First, Maggioncalda et al. do not claim the same patentable invention as the Applicants claimed invention. In accordance with 37 C.F.R. § 1.601(n), the "same patentable invention" is one where an applicant's invention is anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103. As discussed in detail below, the Applicants' claimed invention is neither anticipated by nor obvious in view of Maggioncalda et al. and Rosenberg. In particular, both Maggioncalda et al. and Rosenberg lack at least one material claimed feature of the Applicants' claimed invention.

Thus, the Applicants' claimed invention is not the "same patentable invention" as Maggioncalda et al. under 37 C.F.R. § 1.601(n) because the claimed invention is neither anticipated by Maggioncalda et al. under 35 U.S.C. § 102 nor obvious in view of Maggioncalda et al. under 35 U.S.C. § 103. Accordingly, the Maggioncalda et al. reference does not claim the same patentable invention as the Applicants' claimed invention.

Second, in order to prove that the Maggioncalda et al. reference is not prior art in

relation to the Applicants' claimed invention, it also must be shown that the Applicants reduced the invention to practice in the United States prior to the effective date of the Maggioncalda et al. reference. The effective date of Maggioncalda et al. is the filing date of May 25, 1999. Because Maggioncalda et al. is a continuation of U.S. Patent 5,918,217, however, in certain situations the effective date of Maggioncalda et al. may be the filing date of the parent application, or December 10, 1997.

The Applicants' reduction to practice occurred before the earliest effective date of December 10, 1997 of the Maggioncalda et al. reference. The Applicants reduced the invention to practice at Microsoft Corporation in Redmond, Washington prior to December 10, 1997. Evidence of this was provided in previous responses by declarations of two of the Applicants and accompanying exhibits. The declarations stated that reduction to practice of the claimed invention occurred prior to December 10, 1997, and the exhibits supported this statement. The first exhibit, designated Exhibit "A", presented an e-mail dated September 19, 1996 sent by one of the inventors to other members of a development team indicating that the first release build of a software application entitled "LoanCalc" was available at an internal Microsoft directory. As stated by the inventor in the first declaration, the first release build of the LoanCalc software application referred to in the e-mail contained the Applicants' claimed invention.

Also submitted in a previous response was additional evidence sufficient in character and weight to establish reduction to practice prior to the effective date of the Maggioncalda et al. reference. In particular, a second declaration signed by another one of the inventors, Mark E. Hickling, declares that reduction to practice of the Applicants' claimed invention occurred prior to December 10, 1997. In support of this second declaration, Exhibits "B" and "C" were submitted. Specifically, Exhibit "B" is a notebook entry dated March 27, 1995, of one of the Applicants containing a drawing of the claimed invention. The drawing illustrates the query grid and the adjustable interface option (in the form of sliders) displayed on a client display device for adjusting associated data associated fields (such as pricing data). Exhibit "C" was a revised draft

of a user's guide to using the software application entitled "LoanCalc". This revised draft was dated August 20, 1996. Specifically, the revised draft of the user's guide instructed a user how to enter data into at least one field of a query grid. Data associated with the field could then be displayed on a client display device. The data could be adjusted using an adjustable interface option displayed on the client display device. In particular, pricing data could be adjusted by a user through a graphical user interface on the client computer.

The Applicants submit that Exhibits "A", "B" and "C" along with the declarations from two of the inventors provide a showing facts sufficient in character and weight to establish reduction to practice prior to the effective date of the Maggioncalda et al. reference, namely, prior to December 10, 1997. The dates of the exhibits are at least over one year before any of the effective dates of the Maggioncalda et al. reference. Accordingly, the Applicants respectfully submit that they have provided a showing of facts sufficient in both character and weight to establish reduction to practice in the United States prior to any of the effective dates of the Maggioncalda et al. reference.

The final Office Action stated that the Applicants' declarations filed on September 3, 2002 (Exhibit "A") and March 13, 2002 (Exhibits "B" and "C") are ineffective to swear behind the Maggioncalda et al. reference.

Specifically, the Office Action maintained that the evidence submitted by the Applicants is "insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective data of the reference." The Office Action further contended that the exhibits are "not evidence that provide a showing of the facts in character and weight, and thus are not considered to fully embody the invention as described and claimed. The Examiner has no means of verifying that the product of the declared e-mail build (or the contents for the tables of the declared notebook, entry, or the declared User's Guide), actually contains the claimed programs of Applicants' invention, and were functional as alleged with only the build file name, tables, and User's guide as disclose by Applicants."

In response, the Applicants respectfully disagree with the Examiner's arguments. In particular, as explained below, the Applicants submit that the declarations and exhibits provided by the Applicants in previous responses are sufficient to establish a reduction to practice. Moreover, the Applicants contend that the Applicants' declarations provide sufficient showing that the exhibits fully embody and contain the claimed invention. As argued below, it is the Applicants position that the Examiner's attempted verification of the submitted exhibits is improper.

The purpose of filing a declaration under 37 CFR § 1.131 (hereinafter referred to as "Rule 131") is to "demonstrate that the applicant's date of invention is prior to the effective data of the reference cited in support of a rejection." *In re Asahi/America Inc.*, 37 USPQ2d 1204 (CA FC 02/24/1995). A Rule 131 declaration (or affidavit) can be used when the "reference cited in support of a rejection 'substantially shows or describes but does not claim' the subject matter of the invention in question." *In re Asahi/America Inc.*. An applicant can overcome the reference by "showing that the invention in question was reduced to practice prior to the filing date of the reference." *In re Asahi/America Inc.*,

Declarations by inventors are "always admissible to establish a date of conception or reduction to practice." *Loran Fairchild Corp. v. Matsushita Electrical Industrial Co.*, 60 USPQ2d 1361 (CA FC 2001). In *Loran Fairchild Corp.*, the Court of Appeals for the Federal Circuit stated that [i]nventors' affidavits have always been admissible to antedate a reference. The regulations are explicit that evidence to antedate a reference may be provided by the inventor."

Declarations and exhibits provided under Rule 131 by an inventor to the Patent Office to antedate a reference should be taken at face value. It is not the examiner's responsibility or function to verify the veracity of statements or evidence contained in declarations and exhibits. The examination process in an ex parte proceeding, and the examiner is not allowed to conduct an investigation. It is neither the examiner's function

nor place to do so.

The Board of Patent Appeals and Interferences addressed this issue of sufficiency of declarations and exhibits submitted by applicants under Rule 131 and the examiner's role in *Ex Parte McGuckian*, 202 USPQ 398 (BdPatApp&Int 1975). In this case, the applicant had submitted three declarations and accompanying exhibits under Rule 131 to overcome a § 103 rejection over certain prior art. The applicant, in his declarations, declared the following: (1) that he was the inventor of the claimed invention; and (2) that he conceived and reduced to practice the claimed invention.

During prosecution of the application, the examiner stated that the declarations submitted by the applicant were not enough to remove the cited reference as prior art. The examiner's position was that that the declarations submitted by the applicant were insufficient to avoid the rejection of the cited reference because "the mere statement that he [the applicant] conceived and reduced to practice the disclosed and claimed invention" was not sufficient to meet the requirements of a Rule 131 showing.

On appeal, the Board said that it must "completely disagree with the examiner's position." The Board stated that a Rule "131 showing is presented and must be evaluated completely ex parte. It is neither the examiner's function nor our function under such circumstances to divine the role if any played by someone who is a complete stranger to the proceeding. It is only in some inter partes proceeding, totally lacking here, where all interested parties are represented and the fundamental safeguards of direct examination and cross-examination are possible, that the question of inventorship and dates of invention can be explored in the manner attempted by the examiner here."

In other words, ex parte proceedings, such as the patent examination process, should not include the examiner going beyond the applicant's mere statement that the applicant conceived and reduced the invention to practice. This means that an examiner is not allowed or equipped to verify an applicant's statements and that the

veracity of the declarations and exhibits submitted by an applicant should not be challenged in an ex parte forum. As stated by the Board in *Ex Parte McGuckian*, the proper forum for this type of investigation is some types of inter partes proceedings (which the patent examination process is not) “where all interested parties are represented and the fundamental safeguards of direct examination and cross-examination are possible.” In ex parte proceeding, declarations and exhibits must be taken at face value.

If facts are missing from the exhibits provided by an applicant, the Board has held that an applicant’s declaration can supply or supplement facts that may be missing from accompanying exhibits. *Ex Parte Ovshinsky*, 10 USPQ2d 1075 (BdPatApp&Int 2/3/1989). In addition, the Board stated that it is proper for an applicant to rely on a showing of facts set forth in the declarations to establish a date prior to the effective date of a reference. *Ex Parte Ovshinsky*.

In *Ex Parte Ovshinsky*, the examiner had rejected the claims under 35 U.S.C. § 102 as being anticipated by the Dalal reference. In order to overcome these rejections, the applicants submitted declarations under Rule 131 along with exhibits in the form of notes.

The examiner responded that only some of the notes had probative value, and that the exhibits “considered alone were insufficient to establish conception of the claimed invention prior to the effective date of the reference.”

On appeal, the Board held that the examiner’s failure to give probative weight to the Rule 131 declarations constituted reversible error. Moreover, the Board pointed out to the examiner three points. First, all the evidence must be considered in its entirety, including the Rule 131 declarations and accompanying exhibits, record, and notes. Second, “an accompanying exhibit need not support all of the claimed limitations, but rather a missing feature may be supplied by the declaration itself.” Third, “it is entirely appropriate for appellants to rely on a showing of facts set forth in the Rule 131

declarations themselves to establish conception of the invention prior to the effective date of the reference.” Based on this analysis, the Board ruled that the Rule 131 evidence in the form of the declarations and exhibits was sufficient to remove the Dalal as a reference.

In the subject case, the Applicants have submitted two declarations under Rule 131 signed by two different inventors setting forth the date of reduction to practice of the claimed invention. These declarations are “always admissible to establish a date of conception or reduction to practice” and “have always been admissible to antedate a reference.” *Loran Fairchild Corp.*.

The Examiner has stated that the declarations and exhibits (“evidence”) is “insufficient to establish a reduction to practice” and that the evidence is not enough to show that they “fully embody the invention as described and claimed.” Further, the Examiner stated that she “has no means of verifying that the product” referred to in the declarations and exhibits “actually contains” the Applicants’ claimed invention.

The Applicants remind the Examiner that the patent examination process is ex parte. The Examiner has no means of verifying the veracity of the Applicants’ declarations and exhibits because this is not her function. The evidence submitted by the Applicants must be evaluated completely ex parte. *Ex Parte McGuckian*. The Examiner should not be verifying an applicant’s statements in an ex parte forum. The Examiner is neither allowed nor equipped to perform this verification.

Instead, the Applicants’ submitted declarations and exhibits should be considered at face value. If any facts are missing from the exhibits, the statements in the Applicants’ declarations can supply these facts. *Ex Parte Ovshinsky*. The Applicants have submitted declarations that contain the following statements: (1) the claimed invention was reduced to practice prior to December 10, 1997; and (2) the LoanCalc software application referred to in the exhibits fully embodied a reduction to practice of the invention disclosed and claimed in the patent application. The Applicants

can properly rely on these statements set forth in the declarations to establish a date prior to the effective date of a reference. *Ex Parte Ovshinsky*.

The Applicants, therefore, submit that they have shown that Maggioncalda et al. do not claim the same patentable invention as the Applicants' claimed invention. In addition, the Applicants' declarations state that the Applicants reduced the invention to practice in the United States prior to any effective dates of the Maggioncalda et al. reference. As discussed above, the statements, along with the accompanying references, are sufficient to remove the Maggioncalda et al. as prior art. Consequently, the Applicants respectfully submit that the Maggioncalda et al. reference is not prior art in relation to the Applicants' claimed invention. Accordingly, the Applicants maintain that their claimed invention is patentable in view of Maggioncalda et al. under 35 U.S.C. § 103(a).

In view of the unavailability of Maggioncalda et al. as prior art, the Applicants respectfully submit that the rejection of claims 2-23 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. has been overcome. The Applicants, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claims 2-23 under 35 U.S.C. § 103(a).

#### Section 103(a) Rejections

The Office Action rejected claims 2-23 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. (U.S. Patent No. 6,012,044) in view of Rosenberg (U.S. Patent No. 6,061,004).

The Office Action contended that Maggioncalda et al. disclose all elements of the Applicants' claimed invention except for the interface tool having drop-down menus. However, the Office Action further stated that it is common practice to have drop-down menus in an interface tool (such as in Rosenberg). Thus, the Office Action maintained that it would have been obvious to one having ordinary skill in the art at the time the



invention was made to include a drop-down menu as an interface tool to help and visibly facilitate user interaction with a constrained set of decision variables.

In response, the Applicants respectfully traverse these rejections because, as explained above, the Maggioncalda et al. reference is not prior art. However, even if the Maggioncalda et al. reference is considered as prior art, the Applicants still traverse these rejections based on the amendments to claims 7 and 19 and the following legal and technical analysis. Specifically, the Applicants submit that Maggioncalda et al. and Rosenberg lack at least one element or feature of the Applicants' claimed invention. Thus, as explained below, the Applicants' submit that Maggioncalda et al. and Rosenberg cannot make obvious the Applicants' claimed invention.

To make a prima facie showing of obviousness, all of the claimed features of an Applicants' invention must be considered, especially when they are missing from the prior art. If a claimed feature is not disclosed in the prior art and has advantages not appreciated by the prior art, then no prima facie showing of obviousness has been made. The Federal Circuit Court has held that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, as stated in the MPEP, if a prior art reference does not disclose, suggest or provide any motivation for at least one claimed feature of an Applicants' invention, then a prima facie case of obviousness has not been established (MPEP § 2142).

#### Independent Claim 2 and Dependent Claims

The Applicants respectfully traverse the rejection of claims 2-6 based on the following legal and technical analysis. The Applicants submit that Maggioncalda et al. and Rosenberg do not disclose, either explicitly or implicitly, the material claimed feature of a query grid having as least one field and associated data. In other words, these references are missing this claimed feature.

Amended claim 2 of the Applicant's invention includes a display device having rendered thereon dynamically changing results of a database query. The display device includes a query grid having at least one field and associated data. The query grid (including the associated data) is transmitted from a server to a remote client in response to a communication from the remote client to the server. The display device also includes at least one adjustable interface option that is displayed on the display device for adjusting the associated data in real time. The remote client is used to process the adjustment.

As described in the specification, the associated data is data that is associated with or relating to the results of the communication from the remote client to the server (specification, page 15, lines 13-15). Associated data is a subset or portion of all available data on the server. As set forth in amended claim 2, in response to a communication (such as a query) from the remote client the server transmits the associated data to the remote client (specification, page 15, lines 9-19). Thus, instead of transmitting the entire volume of data available on the server, the server only transmits the associated data relevant to the user communication or request. The remote client is then used to process this associated data.

By way of example, the associated data may include used car information sorted by price, year and miles (specification, page 15, lines 11-13). Using the user car example, the server may contain a large amount of data that includes information on several makes and models of cars. But if the user requests information regarding a specific make and model of car (such as, for instance, a Honda Accord) then only data associated with the Honda Accord will be transmitted from the server to the client.

In contrast, Maggioncalda et al. merely disclose a financial advisory system that transmits all data contained on the server to a client computer. More specifically, referring to FIG. 3, Maggioncalda et al. disclose a financial advisory system that transmits the program in the form of the simulation module 340 from the server to the client (col. 8, lines 2-4). The pricing module 310, which is included in the simulation module 340, also is

transmitted from the server to the client along with the simulation module 340. The pricing module 310 contains all available data to enable the module 310 to “generate a number of asset scenarios” (col. 7, lines 46–47). Using all available data, the pricing module is capable of “generating statistics for different projected asset valuations” (col. 7, lines 50–51). The pricing module 310 is able to achieve this because all available data is contained within the pricing module 310 and is downloaded from the server to the client.

Thus, the Applicants respectfully submit that Maggioncalda et al. simply do not explicitly disclose the Applicant’s claimed query grid having at least one field and associated data. Moreover, the Applicants contend that Maggioncalda et al. do not implicitly suggest or provide motivation for defining the Applicants’ claimed query grid having at least one field and associated data. Consequently, because Maggioncalda et al. lack at least one material feature of the Applicants’ claimed invention and lack any type of motivation or suggestion for this claimed feature, Maggioncalda et al. cannot render the Applicant’s invention obvious (MPEP § 2143.01).

Rosenberg adds nothing to the cited combination that would render obvious the Applicants’ claimed feature of a query grid having at least one field and associated data. The system and apparatus disclosed in Rosenberg is directed toward a force feedback interface. However, Rosenberg merely discusses this force feedback interface and indexing function associated with this interface. Nowhere is the Applicants’ claimed query grid having at least one field and associated data disclosed explicitly or is any suggestion or motivation for this claimed feature provided.

Maggioncalda et al. and Rosenberg also fail to appreciate or even recognize the advantages of this claimed feature of the Applicant’s invention. Namely, the Applicant’s feature of query grid having at least one field and associated data means that only a subset of the entire available data is transmitted from the server computer to the client computer. This reduces transmission and download times from the server to the remote client. In addition, because only the associated data is stored on the remote client, the amount of storage space occupied by the associated data on the client is reduced.

Neither Maggioncalda et al. nor Rosenberg discuss or appreciate these advantages of the Applicant's claimed feature of transmitting a query grid having at least one field and associated data.

The Applicants, therefore, submit that obviousness cannot be established since both Maggioncalda et al. and Rosenberg lack a material claimed feature of the Applicants' invention. Namely, the claimed feature of a query grid having at least one field and associated data is not taught by Maggioncalda et al. or Rosenberg. In addition to explicitly lacking this feature, both Maggioncalda et al. and Rosenberg also fail implicitly disclose this feature. In particular, Maggioncalda et al. and Rosenberg lack any suggestion and fail to provide any motivation for this claimed feature of a query grid having at least one field and associated data. Further, Maggioncalda et al. and Rosenberg fail to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, Maggioncalda et al. and Rosenberg simply cannot render the Applicants' claimed invention obvious. Consequently, because a prima facie case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicants respectfully submit that independent claim 2 is patentable under 35 U.S.C. § 103(a) over Maggioncalda et al. in view of Rosenberg based the legal and technical arguments set forth above and below. Moreover, claims 3-6 depend from independent claim 2 and are also nonobvious over Maggioncalda et al. in view of Rosenberg (MPEP § 2143.03). The Applicants, therefore, respectfully request reexamination, reconsideration and withdrawal of the rejection of claims 2-6 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. in view of Rosenberg.

#### Amended Independent Claim 7 and Dependent Claims

The Applicants respectfully traverse the rejection of claims 7-18 based on the amendments to independent claim 7, the arguments above and below, and the following

legal and technical analysis. The Applicants submit that Maggioncalda et al. and Rosenberg do not disclose, either explicitly or implicitly, the material claimed feature of transmitting a plurality of data packets comprising associated data values, the associated data values being a subset of available data on the host computer relating to an initial query. In other words, these references are missing this claimed feature.

Amended claim 7 of the Applicant's invention includes a method for dynamically adjusting associated data values on a client computer. The method includes transmitting a plurality of data packets comprising associated data values from a host computer to a remote client computer in response to an initial query by the client computer. The associated data values are a subset of available data on the host computer that relate to the initial query. The method further includes automatically displaying a control module on a display monitor of the client computer, dynamically adjusting the associated data values using the remote client to process the adjustment in response to user interaction with the automatically displayed control module, and dynamically displaying the adjusted data values on the client display monitor.

In contrast, as explained above, the system of Maggioncalda et al. transmits all available data contained on the server to a client computer. In addition, Rosenberg does not even discuss transmitting data. Thus, Maggioncalda et al. and Rosenberg simply do not explicitly disclose the Applicant's claimed feature of transmitting a plurality of data packets comprising associated data values, the associated data values being a subset of available data on the host computer relating to an initial query. Moreover, the Applicants contend that neither Maggioncalda et al. nor Rosenberg implicitly suggest or provide motivation for this claimed feature. Maggioncalda et al. and Rosenberg also fail to appreciate or even recognize the advantages of this claimed feature of the Applicant's invention.

The Applicants, therefore, submit that obviousness cannot be established since both Maggioncalda et al. and Rosenberg lack a material claimed feature of the Applicants' invention. Namely, the claimed feature of transmitting a plurality of data

packets comprising associated data values, the associated data values being a subset of available data on the host computer relating to an initial query is not taught by Maggioncalda et al. or Rosenberg. Therefore, as set forth in *In re Fine* and MPEP § 2142, Maggioncalda et al. and Rosenberg simply cannot render the Applicants' claimed invention obvious. Consequently, because a prima facie case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicants respectfully submit that amended independent claim 7 is patentable under 35 U.S.C. § 103(a) over Maggioncalda et al. in view of Rosenberg based the legal and technical arguments set forth above and below. Moreover, claims 8-18 depend from amended independent claim 7 and are also nonobvious over Maggioncalda et al. in view of Rosenberg (MPEP § 2143.03). The Applicants, therefore, respectfully request reexamination, reconsideration and withdrawal of the rejection of claims 7-18 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. in view of Rosenberg.

#### Amended Independent Claim 19 and Dependent Claims

The Applicants respectfully traverse the rejection of claims 19-23 based on the amendments to independent claim 19, the arguments above and below, and the following legal and technical analysis. The Applicants submit that Maggioncalda et al. and Rosenberg do not disclose, either explicitly or implicitly, the material claimed feature of transmitting a set of pricing data from a server to a client, wherein the initial pricing data relates to an initial query and is a portion of available data on the server. In other words, these references are missing this claimed feature.

Amended claim 19 of the Applicant's invention includes a method for dynamically adjusting pricing data displayed on a client computer. The method includes transmitting a set of pricing data from a server computer to the client computer in response to an initial query from the client computer. The pricing data relates to the initial query and is

a portion of available data on the server computer. The method further includes transmitting a control module comprising a graphical user interface from the server computer to the client computer, automatically displaying the graphical user interface on the client computer, and dynamically displaying and adjusting the pricing data using the remote client to process the adjustment in response to user interaction with the automatically displayed graphical user interface.

In contrast, as explained above, the system of Maggioncalda et al. transmits all available data contained on the server to a client computer, and Rosenberg does not even discuss transmitting data. Further, Maggioncalda et al. and Rosenberg simply do not explicitly disclose this claimed feature and neither reference implicitly suggests or provides motivation for this claimed feature. In addition, Maggioncalda et al. and Rosenberg also fail to appreciate or even recognize the advantages of this claimed feature of the Applicant's invention.

The Applicants, therefore, submit that obviousness cannot be established since both Maggioncalda et al. and Rosenberg lack a material claimed feature of the Applicants' invention. Namely, the claimed feature of transmitting a set of pricing data from a server to a client, wherein the initial pricing data relates to an initial query and is a portion of available data on the server is not taught by Maggioncalda et al. or Rosenberg. Therefore, as set forth in *In re Fine* and MPEP § 2142, Maggioncalda et al. and Rosenberg simply cannot render the Applicants' claimed invention obvious. Consequently, because a prima facie case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicants respectfully submit that amended independent claim 19 is patentable under 35 U.S.C. § 103(a) over Maggioncalda et al. in view of Rosenberg based the legal and technical arguments set forth above. Moreover, claims 20-23 depend from amended independent claim 19 and are also nonobvious over Maggioncalda et al. in

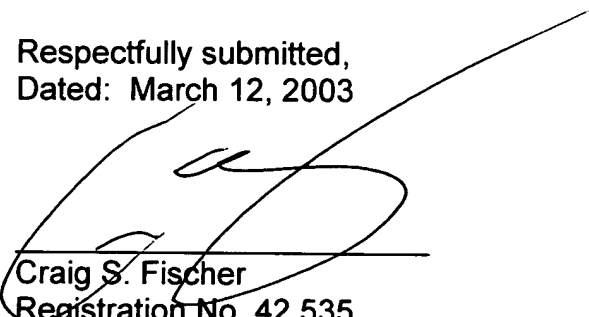
view of Rosenberg (MPEP § 2143.03). The Applicants, therefore, respectfully request reexamination, reconsideration and withdrawal of the rejection of claims 19-23 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. in view of Rosenberg.

### Conclusion

In view of the arguments and amendments set forth above, the Applicants submit that claims 2-23 of the subject application are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In an effort to expedite and further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (805) 278-8855 if the Examiner has any comments, questions or concerns, wishes to discuss any aspect of the prosecution of this application, or desires any degree of clarification of this response.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Following are marked-up versions of amended claims 7 and 19:

7. (Twice Amended) A method for dynamically adjusting associated data values on a client computer, the method comprising:

transmitting a plurality of data packets comprising associated data values from a host computer to a remote client computer in response to an initial query by the client computer, the associated data values being a subset of available data on the host computer relating to the initial query;

automatically displaying a control module on a display monitor of the client computer;

dynamically adjusting the associated data values using the remote client to process the adjustment in response to user interaction with the automatically displayed control module; and

dynamically displaying the adjusted data values on the client display monitor.

19. (Once Amended) A method for dynamically adjusting pricing data displayed on a client computer, comprising:

transmitting a set of pricing data from a server computer to the client computer in response to an initial query from the client computer, wherein the pricing data relates to the initial query and is a portion of available data on the server computer;

transmitting a control module comprising a graphical user interface from the server computer to the client computer;

automatically displaying the graphical user interface on the client computer; and

dynamically displaying and adjusting the pricing data using the remote client to process the adjustment in response to user interaction with the automatically displayed graphical user interface.